IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Con.Case(C).No. 907 of 2007(S)

AGAINST THE JUDGEMENT IN WA.24/2003 Dated 07/11/2003

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PETITIONERS/RESPONDENTS 1-2, 4-7, 8-12, & 15-17:

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1. K.MANOMOHAN,
   (FORMER TICKET NO.2370),
   DY.CHIEF ENGINEER, HMT IV),
   RESIDING AT 'DARSANA',
   H.NO.34/736, KANNANTHODATHU ROAD,
   EDAPPALLY P.O.
   COCHIN - 682 024.

2. G.BALAKRISHNA KAMMATH,
   (FORMER TICKET NO.1379,
   DY.CHIEF ENGINEER, HMT IV),
   RESIDING AT H.NO.XL/7172, T.R.ROAD,
   ERNAKULAM,
   KOCHI-682 035.

3. T.A.ABRAHAM,
   (FORMER TICKET NO.1658,
   DY.CHIEF ENGINEER, HMT IV),
   RESIDING AT 'THUNDIYIL', TKP 4/1004,
   NEAR POPULAR INDUSTRIES,
   EDAPPALLY P.O.,
   COCHN - 682 024.

4. T.K.PRAKASAN,
   (FORMER TICKET NO.2459,
   ASST.ENGINEER, HMT IV),
   RESIDING AT THILAYA PARAMBIL HOUSE,
   M.K.SREEDHARAN ROAD, PACHALAM,
   KOCHI 682 012.

5. V.P.REGHUTHAMAN,
   (FORMER TICKET NO.2720,
   DY.ENGINEER, HMT IV),
   RESIDING AT 'SREE RAGAM',
   NEAR POPULAR INDUSTRIES, EDAPPALLY TOLL,
   KOCHI - 682 024.

6. V.K.PRASANNAN,
(FORMER TICKET NO.1373,
DY.CHIEF ENGINEER, HMT IV),
RESIDING AT 'ASWATHI', 23/1931, BINNY ROAD,
PALLURUTHY,
COCHIN - 6.

7. V.SASIDHARAN
(FORMER TICKET NO.2329,
DY.ENGINEER, HMT IV),
RESIDING AT 'ANUPAMA',
H.NO.V/210, KARIMAKKADU ROAD, THRIKKAKARA PO
ERNAKULAM 682 021.

8. K.BALAKRISHNAN,
(FORMER TICKET NO.1229,
DY.GENERAL MANAGER, HMT IV),
RESIDING AT 'REMYA', THRIKKAKARA,
COCHIN - 682 021

9. P.SASIDHARAN,
FORMER TICKET NO.1326,
DY.GENERAL MANAGER, HMT IV),
RESIDING AT 'PRASADAM', THRIKKAKARA P.O.,
KOCHI - 682 021.

10. M.RUDRA WARRIER
(FORMER TICKET NO.1234,
SENIOR ENGINEER, HMT IV),
RESIDING AT 'SREELAKAM', MANKUZHY ROAD,
EDAPPALLY TOLL,
COCHIN - 682 024.

11. K.PUSHKARAN PILLAI,
(FORMER TICKET NO.1124,
ENGINEER, HMT IV),
RESIDING AT 'INDUSH', KOLLAMMURI ROAD,
EDAPPALLY TOLL,
COCHIN - 682 024.

12. M.C.ANTONY,
(FORMER TICKET NO.2368, HMT IV),
RESIDING AT 'MACHUVEETTIL',
VI/986, THRIKKAKARA P.O.,
KOCHI - 682 021.

13. N.AYYAPPAN,
(FORMER TICKET NO.1995,
SR.ENGINEER, HMT IV),
RESIDING AT 'ROHINI',(VARIKKATTIL),
N.MAZHUVANNUR,
MAZHUVANNUR P.O. 686 689.

14. VASUDEVAN NAMBOODIRI K.V.
(FORMER TICKET NO.1304,
DY.CHIEF ENGINEER HMT IV),
RESIDING AT 'KANJIRAKKATTU MANA',
MENON PARAMBU ROAD, EDAPPALLY P.O.,
COCHIN - 682 024.

BY ADV. SRI.ANTONY M. AMBAT

RESPONDENTS: APPELLANTS:
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1. A.V.KAMATH,
S/O.NOT KNOWN, AGED ABOUT 54 YEARS,
CHAIRMAN AND MANAGING DIRECTOR,
HMT LTD, HMT BHAVAN, 59, BALLERY ROAD,
BANGALORE - 560 032.

2. M.C.POOKOYA,
S/O.NOT KNOWN, AGED 56 YEARS,
GENERAL MANAGER, HMT LTD, HMT COLONY PO,
KALAMASSERY.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

Contempt Case (Civil) No.907 of 2007

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Dated, this the 15th day of November, 2007

JUDGMENT

H.L.Dattu, C.J.

The petitioners in this contempt case are former employees of Hindustan Machine Tools Limited.

(2). On an earlier occasion, the petitioners were before this Court in Cont. Case (C) No.920 of 2004, inter alia, alleging that the respondents/contemnors have not complied with the orders and directions issued by this Court in W.A.No. 24 of 2003 dated 17-11-2003.

(3). This Court, by order dated 26th September, 2005, has disposed of the contempt case. In that order, this Court had observed as under:

> *"4. From the documents produced, it is seen that details in this regard had been placed before the Supreme Court. We had heard Senior Counsel appearing for the respondents-Company as well as the petitioners. It is submitted that in respect of the employees of the H.M.T.Limited, the scheme as above was proposed to be extended on all India basis. Thereby, without any discrimination, payments will be made strictly following the norms that had been suggested. The payment depends on the seniority assessed with the date of retirement/termination. We feel that this will be a satisfactory and equitable solution, of course subject to any modification made by the Supreme Court.*
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> *5. We record the submission made by the Standing Counsel that in the case of petitioners herein also, depending upon the seniority of the retirement, full arrears as they might be eligible, will be paid without any discrimination."*

(4). After the disposal of Cont.Case (C) No.920 of 2004, some of the respondents in W.A.No.24 of 2003 are once again before this Court in the present contempt case. Their main grievance again is that, the Appellants in the Writ Appeal have not complied with the orders and directions in W.A.No.24 of 2003.

(5). Sri.M.Pathose Mathai, learned senior counsel for the respondents in this contempt petition would inform us that, similar matters are pending before the Supreme Court and the Supreme Court is monitoring the payments that requires to be made to the ex-employees of the Hindustan Machine Tools Limited, who have retired from service, on attaining the age of superannuation.

(6). In view of the pendency of the matter before the Supreme Court, in our opinion, we need not have to entertain this contempt case filed by the complainants. Accordingly, these proceedings requires to be dropped and they are dropped.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS/DK.